

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEDIATEK, INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Case No. 11-5341 YGR (JSC)

**ORDER RE: MEDIATEK'S SECOND
REQUEST FOR EXTENSION OF
TIME TO COMPLETE DISCOVERY
FROM THIRD PARTY MOTOROLA
MOBILITY LLC (Dkt. No. 256)**

Now pending before the Court is Plaintiff MediaTek, Inc.'s ("MediaTek") second request for an extension of time to complete discovery from third-party Motorola. (Dkt. No. 256.) Defendant Freescale Semiconductor Inc. ("Freescale") opposes the request. (Dkt. No. 259.) Having considered the parties' submissions, the Court hereby GRANTS MediaTek a 30-day extension for discovery from third-party Motorola.

In the Court's prior Order granting MediaTek its requested two-week extension of time to obtain discovery from third-party Motorola, the Court concluded that MediaTek had demonstrated good cause for such a limited extension. (Dkt. No. 208.) MediaTek now seeks a further extension because Motorola has stated that it will not be able to provide any responsive documents until September 20, 2013 and will not be able to produce a deponent until October 4. Freescale objects to any further extension on multiple grounds. For purposes

1 of this Order, the Court focuses on Freescale's prejudice argument given the Court's prior
2 finding of good cause.

3 Freescale contends that it will be prejudiced in two primary respects if MediaTek is
4 granted an extension up through October 11. First, it will be prejudiced in its ability to
5 prepare for the upcoming summary judgment pre-filing conference. However, the District
6 Court has moved the pre-filing conference to October 21 which means that the parties'
7 written submissions are not due until October 14. (Dkt. No. 262.) This extension ameliorates
8 Freescale's concern that it will not have sufficient information to move for summary
9 judgment on any of the MXC products at the time its pre-filing statement is due. Second,
10 Freescale contends that with rebuttal expert reports due September 27, its damages expert will
11 be placed "in the impossible position of having to provide opinions on damages for alleged
12 infringement by the MXC products without the benefit of all facts on which MediaTek might
13 rely." (Dkt. No. 259 at 3:10-13.) To the extent Freescale determines that its damages expert
14 would have additional opinions to render following receipt of the Motorola documents, it may
15 submit a supplemental rebuttal expert report regarding the MXC products only. The parties
16 shall agree upon a date by which either side may submit such a supplemental report which
17 does not otherwise alter the case schedule in this matter.

18 Accordingly, MediaTek's motion for an extension of time to complete discovery from
19 third-party Motorola is GRANTED and fact discovery is continued to October 11, 2013 only
20 with respect to third-party Motorola. However, MediaTek shall make every effort to ensure
21 that Motorola produces documents and a deponent on the dates previously stated; namely, no
22 later than September 20 for documents and October 4 for a deponent.

23 This Order disposes of Docket No. 256.

24
25 **IT IS SO ORDERED.**

26 Dated: September 23, 2013

27 
28 JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE